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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

PAUL RECKTENWALD,

Petitioner,

vs.

DWIGHT NEVEN, *et al.*,

Respondents.

Case No. 3:15-cv-00187-RCJ-VPC

**MOTION FOR ENLARGEMENT OF
TIME (FIRST REQUEST)**

Respondents, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, hereby respectfully move this Court for an order granting a forty-five (45) day enlargement of time, to and including November 20, 2017, in which to file and serve their Answer.

This motion is based upon the provisions of Rule 6(b) of the Federal Rules of Civil Procedure and the attached Declaration of Counsel, as well as all other papers, documents, records, pleadings and other materials on file herein.

There has been no prior enlargement of Respondents' time to file said Answer, and this motion is made in good faith and not for the purposes of delay.

RESPECTFULLY SUBMITTED this 6th day of October, 2017.

ADAM PAUL LAXALT
Attorney General

By: /s/ Heather D. Procter
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DECLARATION OF COUNSEL

STATE OF NEVADA)
: ss.
CARSON CITY)

I, HEATHER D. PROCTER, hereby states, based on personal knowledge and/or information and belief, that the assertions of this declaration are true:

1. I am a Senior Deputy Attorney General employed by the Attorney General's Office of the State of Nevada in the Bureau of Criminal Justice, Post-Conviction Unit, and I make this declaration on behalf of Respondents' motion for enlargement of time.

2. By this motion, I am requesting a forty-five (45) day enlargement of time, to and including November 20, 2017, to answer the remaining grounds in Recktenwald's second-amended federal habeas petition. This is my first request for enlargement.

3. The response is currently due October 6, 2017.

4. I have been involved in defending federal and state petitions, including *Anderson v. Neven* (2:14-cv-2015-JAD-VCF); *Blake v. Filson* (3:09-cv-032-RCJ-WGC) (death penalty); *Calvin v. McDaniels* (3:08-cv-0033-LRH-RAM); *Castillo v. Filson* (2:04-cv-0868-RCJ-GWF) (death penalty);

1 *Gant v. Williams* (2:16-cv-0528-JAD-NJK); *Hanson v. Baker* (3:04-cv-0130-MMD-VPC); *Kirk v. Nev.*
2 *Dep't of Corr.* (3:16-cv-0079-MMD-VPC); *Lisle v. Filson* (2:03-cv-1005-JCM-CWH) (death penalty);
3 *McLellan v. Baker* (2:16-cv-3038-JCM-CWH); *Mitchell v. Baca* (3:16-cv-0384-LRH-WGC); *Mosby v.*
4 *Baker* (2:16-cv-3028-JCM-CWH); and *Turner v. Baker* (3:17-cv-0139-MMD-WGC). In addition, I
5 will be out of the office November 3-13, 2017, on annual leave. As such, I request a forty-five (45) day
6 enlargement of time to and including November 20, 2017, to file my answer.

7 5. This motion for enlargement of time is made in good faith and not for the purpose of
8 unduly delaying the ultimate disposition of this case.

9 6. I contacted the Federal Public Defender, Amelia Bizzaro, who has no objection to this
10 enlargement.

11 Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury, that the
12 foregoing is true and correct.

13 /s/ Heather D. Procter
HEATHER D. PROCTER

14
15 **ORDER**

16 IT IS SO ORDERED.

17 Dated this 18 day of January, 201~~7~~⁸

18
19 R. Jones
DISTRICT COURT JUDGE